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FM AMEMBASSY CARACAS
TO RUEHC/SECSTATE WASHDC PRIORITY 5613
INFO RUEHBO/AMEMBASSY BOGOTA PRIORITY 6814
RUEHBR/AMEMBASSY BRASILIA PRIORITY 5647
RUEHBU/AMEMBASSY BUENOS AIRES PRIORITY 1345
RUEHLP/AMEMBASSY LA PAZ PRIORITY 2204
RUEHPE/AMEMBASSY LIMA PRIORITY 0451
RUEHMu/AMEMBASSY MANAGUA PRIORITY 1365
RUEHME/AMEMBASSY MEXICO PRIORITY 3911
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0806
RUEHQT/AMEMBASSY QUITO PRIORITY 2288
RUEHSG/AMEMBASSY SANTIAGO PRIORITY 3651
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 1066
RUEHROV/AMEMBASSY VATICAN PRIORITY
RUEHAO/AMCONSUL CURACAO PRIORITY 0913
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 0559
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0388
RUMIAAA/HQ USSOUTHCOM MIAMI FL PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEHUB/USINT HAVANA PRIORITY 0875
RUCNMEM/EU MEMBER STATES COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 002215

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NSC FOR DFISK AND DTOMLINSON

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TAGS: [PGOV](#) [PHUM](#) [ELAB](#) [KDEM](#) [SCUL](#) [VE](#)

SUBJECT: CAPRILES TRIAL RETURNS TO SQUARE ONE

REF: A. CARACAS 1758

- [1](#)B. CARACAS 1623
- [1](#)C. CARACAS 1586
- [1](#)D. CARACAS 744

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Classified By: Robert Downes, Political Counselor,
for Reason 1.4(b).

[1](#)1. (C) Summary. On July 21, poloff attended the latest episode of the ongoing Henrique Capriles Radonski trial at Caracas's Palacio de Justicia (reftels). The Mayor of Baruta faces charges for allegedly inciting violence at a disturbance at the Cuban Embassy during the 2002 attempted coup. However, this time Capriles did not even set foot in a courtroom. Not surprisingly, the BRV developed another excuse to further delay this process and to keep the mayor twisting in the wind. This past Friday's last-minute removal of the judge in his case means that proceedings are not only delayed once again but that all sides must start from square one. End Summary.

[1](#)2. (C) In accordance with Embassy's program of maintaining a presence at the trial of Baruta Mayor Henrique Capriles Radonski, poloff attended what would have been the next step in the proceedings against him. (Note: US Emboffs continue to be the only international observer present.) While waiting during what has become the typical delay in trial day proceedings, Baruta councilwoman and friend of the family, Omaira Clemente (strictly protect), shared her concern about the relatively low number of supporters in attendance. In what is likely a rational suspicion, many in Capriles' family circle are concerned that the BRV will wait until supporters lose interest to hand down a guilty verdict.

[1](#)3. (C) Consistent with this BRV policy of delay, the only

trial day proceeding to materialize was the government's decision to remove Judge Maria Federica Perez from the case. Official explanations state that this shifting of judges has nothing to do with the Capriles case in particular; rather, it is only part of a large-scale shuffling throughout the whole judicial system. (Note: Capriles attorney, Jesus Loreto, countered this explanation in the press saying that such a shift only occurs once a year and only on a prescribed date, with July 21 not being such a date. Capriles states that this was the 25th judge to be involved in the case, and the judge herself expressed confusion as to her removal.) The end result of this shift is that both sides will need to begin their cases anew, including all witness testimony and "opening" arguments.

14. (C) While the overall turnout in the courthouse hallway numbered around 60, a group of about 20 began chanting their support upon learning of the juggling of judges. While there were no reportable incidents, about 15 National Guard and courthouse security personnel were at the ready. When a director of the Baruta Mayor's office began a heated argument with one Guard member, Ms. Clemente (strictly protect) predicted arrests based on her own past experience with such demonstrations; however, none transpired.

15. (C) As of July 25, there is still no word on the identity of the new judge nor on a date for reinitiation of proceedings. Unofficial estimates place the next trial date at two months from now.

16. (C) COMMENT: The most noteworthy development from this most recent judicial nondecision is the reinitiation of all trial proceedings with no real justification. Such a move comes as no surprise to regular observers of the mysteries of the BRV judicial system. As Capriles himself mentioned to the press, if the government really felt it had a case

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against him, it is not likely that this do-over would be their preferred tactic. As it stands, this strategy annoys the defense, keeps the mayor distracted from other duties, provokes Capriles, followers and delays until the public outcry dies down, at which point the mayor's prospects worsen substantially.

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